

# SENATE MOTION

## MADAM PRESIDENT:

**I move** that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 8, delete line 40.
- 2 Page 8, delete line 42.
- 3 Page 8, line 48, before "fund. The" insert "**public defense**".
- 4 Page 8, line 48, after "from the" insert "**public defense**".
- 5 Page 8, line 48, after "fund." insert "**Any balance in the public defense fund is appropriated to the**
- 6 **public defender commission.**".
- 7 Page 17, between lines 31 and 32, begin a new line block indented and insert:
- 8 "**H. COMMUNITY SERVICES**
- 9 **FOR THE GOVERNOR'S OFFICE OF FAITH BASED & COMMUNITY INITIATIVES**
- 10 

<b>Personal Services</b>	<b>263,974</b>	<b>264,340</b>
<b>Other Operating Expense</b>	<b>76,869</b>	<b>76,869</b>
- 11 

Page 45, line 20, delete:	"3,700,000"	3,700,000"
	<b>"3,750,000"</b>	<b>3,750,000"</b>
<b>"Total Operating Expense</b>	<b>1,968,750</b>	<b>1,968,750"</b>



fund."

Page 57, delete lines 29 through 30.

Page 58, delete lines 40 through 49.

Page 59, delete lines 1 through 3.

Page 59, delete lines 7 through 22.

Page 59, line 48, delete "three (3)" and insert "**four (4)**".

Page 62, line 7, delete "Sixty-six percent (66%) of the" and insert "**The federal share of**".

Page 62, line 7, delete "above named".

Page 62, line 8, delete "IC 12-15" and insert "**IC 12-15, based on the applicable Federal Medicaid Assistance Percentage (FMAP),**".

Page 62, line 8, after "under" insert "**IC 12-24-14, and the remainder shall be deposited in the general fund.**".

Page 62, delete lines 9 through 10.

Page 62, between lines 44 and 45, begin a new paragraph and insert:

**"YOUTH SERVICE BUREAU**

<b>Total Operating Expense</b>	<b>1,250,000</b>	<b>1,250,000</b>
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**The department of child services shall establish standards for youth service bureaus. Any youth service bureau that is not an agency of a unit of local government or is not registered with the Indiana secretary of state as a nonprofit corporation shall not be funded. The department of child services shall fund all youth service bureaus that meet the standards as established June 30, 1983. However, a grant may not be made without approval by the budget agency after review by the budget committee.**

**PROJECT SAFEPLACE**

<b>Total Operating Expense</b>	<b>125,000</b>	<b>125,000".</b>
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Page 63, between lines 11 and 12, begin a new paragraph and insert:

**"SOCIAL SERVICES BLOCK GRANT (SSBG)**

<b>Total Operating Expense</b>	<b>20,863,880</b>	<b>20,864,042</b>
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**The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:**

**Division of Disability, Aging, and Rehabilitative Services**

<b>1,030,877</b>	<b>1,030,877</b>
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**Division of Family Resources**

<b>12,725,150</b>	<b>12,725,150</b>
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**Department of Child Services**

<b>5,515,999</b>	<b>5,516,161</b>
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**Department of Health**

<b>296,504</b>	<b>296,504</b>
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**Department of Correction**

<b>1,295,350</b>	<b>1,295,350".</b>
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Page 80, line 37, after "and" insert "**a**".

Page 80, line 37, after "school" insert "**accredited under IC 20-19-2-8**".

Page 80, line 46, after "schools" insert "**accredited under IC 20-19-2-8**".

Page 82, delete lines 44 through 49, begin a new line blocked left and insert:

**"If the amount actually required under the pre-1996 account of the teachers' retirement fund for actual benefits for the Post Retirement Pension Increases that are funded on a "pay as you go" basis plus the base benefits under the pre-1996 account of the teachers' retirement fund is:**

**(1) greater than the above appropriation for a year, after notice to the governor and the budget**



agency of the deficiency, the above appropriation for the year shall be augmented from the general fund. Any augmentation shall be included in the required pension stabilization calculation under IC 21-6.1-2; or

(2) less than the above appropriation for a year, the excess shall be retained in the general fund. The portion of the benefit funded by the annuity account and the actuarially funded Post Retirement Pension Increases shall not be part of this calculation."

Page 83, delete lines 1 through 8.

Page 89, line 32, delete "1,332,000" and insert "**3,562,500**".

Page 89, line 44, delete "512,686,749" and insert "**514,917,249**".

Page 93, line 13, delete "1,332,000" and insert "**3,562,500**".

Page 99, delete lines 15 through 48.

Page 100, delete lines 1 through 40.

Page 108, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 54. IC 5-11-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec.

1. There is established a state board of accounts. The board consists of the state examiner and two (2) deputy examiners as provided in this section. The principal officer of the board is the state examiner, who shall be appointed by the governor ~~and who shall hold office~~ for a term of four (4) years from the date of appointment. **However, the state examiner serves at the pleasure of the governor.** The state examiner must be a certified public accountant with at least seven (7) consecutive years of active experience as a field examiner with the state board of accounts that immediately precedes the appointment as state examiner. The governor shall also appoint two (2) deputy examiners, who must have the same qualifications as the state examiner, be of different political parties, and be subordinate to the state examiner. The deputy examiners shall be appointed for terms of four (4) years. **However, the deputy examiners serve at the pleasure of the governor. In addition,** the state examiner and the deputy examiners are subject to removal by the governor for incompetency or for misconduct of the office, after a hearing upon due notice and upon stated charges in writing. An appeal may be taken by the officer removed **for incompetency or for misconduct** to the circuit or a superior court of Marion County."

Page 110, line 29, delete "IC 21-3-1.7-5)." insert "**IC 21-3-1.7-5), but before the reductions in IC 21-3-1.7-5.**"

Page 119, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 65. IC 6-3.1-21-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Sec. 10. This chapter expires December 31, ~~2005~~: **2011**."

Page 124, delete lines 13 through 48.

Page 125, delete lines 1 through 42.

Page 126, line 1, delete "two hundred fifty thousand dollars (\$250,000)," and insert "**five hundred thousand dollars (\$500,000),**".

Page 126, line 5, after "(5)" insert "**except as provided in subsection (c),**".

Page 126, between lines 13 and 14, begin a new paragraph and insert:

**"(c) An area agency on aging may determine that an individual is presumptively ineligible for Medicaid and eligible for the program under this chapter and begin to provide services. However, the individual shall apply for the Medicaid program regardless of the presumptive eligibility determination by the area agency on aging. If the individual is later determined to be eligible for Medicaid, the individual is no longer eligible for the program and shall be transferred to the Medicaid program.**

**(d) An individual who is unable to perform two (2) activities of daily living and who:**

**(1) does not meet the requirements of subsection (a)(4) through (a)(5);**

**(2) meets the requirements of subsection (a)(1) through (a)(3); and**

**(3) has a condition that:**

**(A) is expected by the individual's treating physician to last not more than six (6) months; and**



**(B) causes the individual to need assistance; may receive services under the program for a period, not to exceed six (6) consecutive months, during which the individual has the condition and is unable to perform the activities described in subdivision (3)."**

Page 126, line 16, delete "chapter that do not exceed the" and insert "**chapter.**".

Page 126, delete lines 17 through 18.

Page 128, between lines 36 and 37, begin a new line block indented and insert:

**"(24) Chiropractic services under IC 25-10-1 for a recipient who is at least twelve (12) years of age."**

Page 133, line 38, delete ":".

Page 133, line 39, delete "(A)".

Page 133, line 39, reset in roman "appropriate,".

Page 133, line 39, delete "possible for a child who is less than nineteen (19) months".

Page 133, delete lines 40 through 41.

Page 133, run in lines 38 through 42.

Page 133, delete lines 46 through 48.

Page 134, line 24, delete "child" and insert "**family**".

Page 134, line 47, delete "The copayment".

Page 134, delete line 48.

Page 135, delete lines 1 through 3.

Page 135, between lines 21 and 22, begin a new paragraph and insert:

**"(f) The budget agency shall annually report to the health finance commission and the budget committee the following information concerning the funding of the program under this chapter:**

**(1) The total amount billed to a federal or state program each state fiscal year for services provided under this chapter, including the following programs:**

**(A) Medicaid.**

**(B) The children's health insurance program.**

**(C) The federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).**

**(D) Any other state or federal program.**

**(2) The total amount billed each state fiscal year to an insurance company for services provided under this chapter and the total amount reimbursed by the insurance company.**

**(3) The total copayments collected under this chapter each state fiscal year.**

**(4) The total administrative expenditures.**

**The report must be submitted before September 1 for the preceding state fiscal year in an electronic format under IC 5-14-6."**

Page 137, delete lines 17 through 48.

Page 138, delete lines 1 through 2.

Page 144, delete lines 9 through 11.

Page 144, delete lines 18 through 20.

Page 164, line 47, delete "IC 21-3-1.7-8.2" and insert "**STEP ONE of IC 21-3-1.7-8.2(c) for 2005 and STEP ONE of IC 21-3-1.7-8.2(a) for 2006 and 2007)**".

Page 165, delete lines 17 through 21, begin a new line block indented and insert:

**"STEP TEN: NINE: A school corporation's STEP NINE amount is the following:**

**(A) If the amount the school corporation received under this chapter in the previous calendar year is greater than zero (0), determine the STEP NINE amount is the lesser of:**

**(A) (i) the STEP NINE EIGHT amount; or**

**(B) (ii) the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred seven and one-half percent (107.5%).**



**(B) If the amount the school corporation received under this chapter in the previous calendar year is not greater than zero (0), the STEP NINE amount is the STEP EIGHT amount."**

Page 166, line 1, after "fund." insert **"The governing body may transfer the amount levied to cover unreimbursed costs of textbooks under subdivision (7) to the textbook rental fund or extracurricular account."**

Page 166, line 47, after "exceed" insert ",."

Page 166, line 47, strike "the following:" and insert **"for the period beginning July 1, 2005, and ending June 30, 2007:"**.

Page 166, line 48, strike "For the period beginning July 1,".

Page 166, line 48, delete "2005,".

Page 166, line 48, strike "and ending June 30,".

Page 166, line 48, delete "2006,".

Page 167, line 3, delete "last".

Page 167, line 4, delete "annual".

Page 167, line 4, delete "distribution." and insert **"distribution for the state fiscal year ending June 30, 2004; multiplied by**

**(2) two (2)."**

Page 167, line 5, strike "(2) For the period beginning July 1,".

Page 167, line 5, delete "2006,".

Page 167, line 5, strike "and ending June 30,".

Page 167, line 5, delete "2007,".

Page 167, line 5, strike "the product of:".

Page 167, strike lines 6 through 7.

Page 167, line 11, delete "has" and insert **"had"**.

Page 167, line 11, delete "2006" and insert **"2003"**.

Page 180, delete lines 26 through 40, begin a new line triple block indented and insert:

**"(i) The school corporation's STEP ONE amount, if the absolute value of the STEP THREE amount is less than or equal to fifty dollars (\$50).**

**(ii) The sum of the school corporation's STEP TWO amount and the greater of the school corporation's STEP FOUR amount or fifty dollars (\$50), if the school corporation's STEP THREE amount is greater than fifty dollars (\$50).**

**(iii) The difference determined by subtracting the greater of the absolute value of the school corporation's STEP FOUR amount or fifty dollars (\$50) from the school corporation's STEP TWO amount, if the school corporation's STEP THREE amount is less than negative fifty dollars (-\$50)."**

Page 184, line 36, delete "result for the school corporation under section 6.7(c)".

Page 184, line 36, reset in roman "amount;".

Page 184, line 36, delete "of this".

Page 184, delete line 37.

Page 184, line 38, delete "the current year;".

Page 186, delete lines 10 through 39, begin a new paragraph and insert:

**"SECTION 181. IC 21-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:**

**Sec. 2. (a) The board shall segregate the fund into the following accounts:**

**(1) The pre-1996 account.**

**(2) The 1996 account.**

**(b) The board shall segregate each of the accounts established under subsection (a) into the following subaccounts:**

**(1) The annuity savings account.**



(2) The retirement allowance account.

(c) Except as provided in subsection (d), member contributions shall be credited to the annuity savings accounts within the pre-1996 account.

(d) Member contributions made after June 30, 1995, with respect to the following members shall be credited to the annuity savings account within the 1996 account:

(1) ~~★ An individual who first became a member who was hired of the fund after June 30, 1995. by a school corporation or other institution covered by the fund:~~

(2) A member who:

(A) before July 1, 1995, served in a position covered by the fund; and

(B) after June 30, 1995, and before July 1, ~~2001~~, **2005**, was hired by another school corporation or institution covered by the fund or rehired by a prior employer.

(3) A member described in subdivision (2) who, after June 30, ~~2001~~, **2005**, is hired by another school corporation or institution covered by the fund or rehired by a prior employer.

(e) Member contributions made to the pre-1996 account with respect to a member covered by subsection (d) shall be transferred to the annuity savings account within the 1996 account.

(f) Employer contributions made after June 30, 1995, with respect to members described in subsection (d) shall be credited to the retirement allowance account within the 1996 account. Employer contributions made after June 30, 1995, with respect to all other members shall be credited to the retirement allowance account within the pre-1996 account.

(g) Employer contributions, if any (as determined by the board), made to the pre-1996 account with respect to a member covered by subsection (d) shall be transferred to the retirement allowance account within the 1996 account.

~~(h)~~ (g) The board shall administer these accounts and subaccounts as specified in IC 5-10.2-2."

Page 194, delete lines 47 through 48.

Page 195, delete lines 1 through 24.

Page 197, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 198. IC 33-33-48-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. (a) The judges of the Madison superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the superior court.**

**(b) The magistrate continues in office until removed by the judges of the superior court.**

SECTION 199. IC 33-33-62-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:  
Sec. 1. (a) Perry County constitutes the seventieth judicial circuit.

(b) The Perry circuit court has a standard small claims and misdemeanor division.

**(c) The judge of the Perry circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.**

SECTION 200. IC 33-33-84-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:  
Sec. 3. There is established a court of record to be known as the Vigo superior court. The superior court has ~~four~~ **(4) five (5)** judges who shall hold their office for six (6) years and until their successors have been elected and qualified."

Page 198, delete line 6.

Page 198, delete lines 9 through 10.

Page 199, line 1, delete "(4)(A)." and insert "4."

Page 199, delete lines 3 through 14.

Page 201, line 17, delete "Preventative" and insert "**Diagnostic and preventative**".

Page 201, line 18, delete "Fillings." and insert "**Direct restorations.**

**(C) Treatment of lesions.**

**(D) Extractions.**

**(E) Periodontal treatment for pregnant women."**



Page 201, line 19, delete "(C)" and insert "(F)".

Page 201, delete lines 35 through 36.

Page 205, between lines 5 and 6, begin a new paragraph and insert:

**"SECTION 228. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 12-17-15-17, as amended by this act, the budget agency shall submit a report to the health finance commission established by IC 2-5-23 and the budget committee containing the following information concerning the funding for the infants and toddlers with disabilities program under IC 12-17-15:**

**(1) The total amount billed to a federal or state program in state fiscal year 2004 for services provided under the infants and toddlers with disabilities program, including amounts billed to the following programs:**

**(A) Medicaid.**

**(B) The children's health insurance program.**

**(C) The federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).**

**(D) Any other state or federal program.**

**(2) The total amount billed in state fiscal year 2004 to an insurance company for services provided under the infants and toddlers with disabilities program and the total amount reimbursed by the insurance company.**

**(3) The total copayments collected for the infants and toddlers with disabilities program in state fiscal year 2004.**

**(4) The total administrative expenditures for state fiscal year 2004.**

**The report required under this SECTION must be submitted in an electronic format under IC 5-14-6 before September 1, 2005.**

**(b) This SECTION expires January 1, 2006.**

**SECTION 229. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "program" refers to the community and home options to institutional care for the elderly and disabled (CHOICE) program established by IC 12-10-10.**

**(b) The office of the secretary of family and social services shall submit the following information in electronic format under IC 5-14-6 to the legislative services agency not later than July 15, 2005, concerning the program for fiscal year 2005:**

**(1) The total number of individuals participating in the program.**

**(2) The total expenditures for the program.**

**(3) Information concerning each individual participating in the program, including the following:**

**(A) The number of activities of daily living (ADL) that an individual is unable to perform.**

**(B) The individual's monthly income and any deductions by source.**

**(C) The amount of assets reported by the individual, as determined by the division.**

**(D) The services provided to the individual.**

**(E) The cost of each service provided to the individual.**

**(F) The copayment, if any, that the individual is required to pay and the amount paid by the individual.**

**(G) Whether the individual participates in a Medicaid waiver or is Medicaid eligible.**

**(H) The county and the area agency on aging region in which the individual resides.**

**(4) The reimbursement rate for services provided under the program for each area agency on aging region in the preceding fiscal year.**

**(5) The number of individuals on a waiting list for the program and any services being received by the individual from the state while the individual is on the waiting list.**

**(c) The legislative services agency shall review the information submitted under this SECTION and compile a report determining the compliance of the submitted information with the requirements of this**



1 **SECTION. The report must be submitted to the health finance commission established by IC 2-5-23 and**  
2 **the budget committee not later than September 1, 2005.**

3 **(d) This SECTION expires December 31, 2005.**

4 SECTION 230. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding IC 33-33-84-3, as amended by this**  
5 **act, the Vigo superior court is not expanded to five (5) judges until January 1, 2006.**

6 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to**  
7 **the Vigo superior court by IC 33-33-84-3, as amended by this act.**

8 **(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends**  
9 **December 31, 2006.**

10 **(d) The initial election of the judge of the Vigo superior court added by IC 33-33-84-3, as amended**  
11 **by this act, is the general election in November 2006. The term of the initially elected judge begins January**  
12 **1, 2007.**

13 **(e) This SECTION expires January 2, 2007."**

14 Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 1, 2005.)

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Senator MEEKS